

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**Hearing: October 14, 2014 at 10:00 a.m.**

**NOTICE OF FILING OF FINAL FEE APPLICATION OF THE ESTATE OF  
DAVID T. AUSTERN, FORMER ASBESTOS PI FUTURE CLAIMANTS'  
REPRESENTATIVE, BY HIS PERSONAL REPRESENTATIVE, FOR  
(I) ALLOWANCE OF COMPENSATION FOR SERVICES RENDERED AND  
REIMBURSEMENT OF EXPENSES INCURRED FROM  
MAY 24, 2004 THROUGH JUNE 30, 2012 AND (II) WAIVER OF  
CERTIFICATION REQUIREMENT OF LOCAL RULE 2016-2(G)**

TO: (1) The Reorganized Debtors; (2) Counsel to the Reorganized Debtors; (3) The Office of the United States Trustee; (4) Counsel to the Official Committee of Unsecured Creditors; (5) Counsel to the Official Committee of Asbestos Personal Injury Claimants; (6) Counsel to the Official Committee of Asbestos Property Damage Claimants; (7) Counsel to the Official Committee of Equity Holders; (8) Counsel to the Debtors-in-Possession Lender; and (9) the Fee Auditor

The estate of David T. Austern, the former Court-appointed legal representative for future asbestos personal injury claimants (the “Former FCR”), by his personal representative, has filed and served his Final Fee Application for (I) Allowance of Compensation for Services Rendered and Reimbursement of Expenses Incurred From May 24, 2004 through June 30, 2012, and (II) Waiver of Certification Requirement of Local Rule 2016-2(g), seeking the final award of fees in the amount of \$332,700.00 and expenses of \$19,209.39, for a total amount of \$351,909.39, and the waiver of the certification requirement of Rule 2016-2(g) of the Local Rules for the United States Bankruptcy Court for the District of Delaware (the “Final Fee Application”). This Final Fee Application is submitted pursuant to 11 U.S.C. §§ 330 and 503.

Objections or responses to the Final Fee Application, if any, must be made in writing and filed with the United States Bankruptcy Court for the District of Delaware, Marine Midland Plaza, 824 Market Street, Fifth Floor, Wilmington, DE 19801, on or before **July 7, 2014 at 4:00 P.M., Eastern Time.**

At the same time you must also serve a copy of the objections or responses, if any, upon the following: (i) Marilyn Austern, the personal representative of the estate of David T. Austern, in care of Earl Colson, Arent Fox LLP, 1717 K Street, N.W., Washington, D.C. 20036; (ii) Roger Frankel, Asbestos PI Future Claimants' Representative, Frankel Wyron LLP, 2101 L Street, NW, Suite 800, Washington, DC 20037; (iii) co-counsel to the Asbestos PI Future Claimants' Representative, Richard H. Wyron, Frankel Wyron LLP, 2101 L Street, NW, Suite 800, Washington, DC 20037, Debra L. Felder, Orrick, Herrington & Sutcliffe LLP, 1152 15<sup>th</sup> Street, NW, Washington, DC 20007, and John C. Phillips, Jr., Phillips, Goldman & Spence, P.A., 1200 North Broom Street, Wilmington, DE 19806; (iv) co-counsel to the Reorganized Debtors, John Donley and Adam Paul, Kirkland & Ellis, LLP, 300 North LaSalle, Chicago, IL 60654 and Laura Davis Jones, Pachulski Stang Ziehl & Jones LLP, 919 North Market Street, Suite 1600, P.O. Box 8705, Wilmington, DE 19899-8705; (v) co-counsel to the Official Committee of Unsecured Creditors, Kenneth Pasquale, Stroock & Stroock & Lavan LLP, 180 Maiden Lane, New York, NY 10038-4982 and Michael R. Lastowski, Duane Morris LLP, 222 Delaware Avenue, Suite 1600, Wilmington, DE 19801; (vi) co-counsel to the Official Committee of Asbestos Property Damage Claimants, Scott L. Baena, Bilzin, Sumberg, Baena, Price & Axelrod, 1450 Brickell Avenue, 23<sup>rd</sup> Floor, Miami, FL 33131-3456 and Michael B. Joseph, Ferry & Joseph, P.A., 824 Market Street, Suite 904, P.O. Box 1351, Wilmington, DE 19899; (vii) counsel to the Official Committee of Asbestos Personal Injury Claimants, Elihu Inselbuch

and Rita C. Tobin, Caplin & Drysdale, Chartered, 600 Lexington Avenue, 21<sup>st</sup> Floor, New York, NY 10022-6000; (viii) counsel to the Asbestos PI Trust, Marla R. Eskin, Mark T. Hurford, Kathleen Campbell Davis, Campbell & Levine, LLC, 222 Delaware Avenue, Suite 1620, Wilmington, DE 19801; (ix) co-counsel to the DIP Lender, J. Douglas Bacon, Latham & Watkins, Sears Tower, Suite 5800, Chicago, IL 60606 and Neil B. Glassman, The Bayard Firm, 222 Delaware Avenue, Suite 900, P.O. Box 25130, Wilmington, DE 19899; (x) counsel to the Official Committee of Equity Holders, Thomas Moers Mayer, Kramer Levin Naftalis & Frankel LLP, 919 Third Avenue, New York, NY 10022; (xi) the Office of the United States Trustee, ATTN: Richard Schepacarter, Esquire, 844 N. King Street, Suite 2207, Lockbox 35, Wilmington, DE 19801; and (xii) the Fee Auditor, Warren H. Smith, Warren H. Smith and Associates, 2235 Ridge Road, Suite 105, Rockwall, TX 75087.

A HEARING ON THE FINAL FEE APPLICATION WILL BE HELD BEFORE THE HONORABLE KEVIN J. CAREY AT THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 MARKET STREET, FIFTH FLOOR, COURTROOM 5, WILMINGTON, DELAWARE, 19801 ON **OCTOBER 14, 2014 AT 10:00 A.M.**

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF DEMANDED BY THE FINAL FEE APPLICATION WITHOUT FURTHER NOTICE OR HEARING.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: May 5, 2014

By: /s/ DEBRA L. FELDER

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*Future Claimants' Representative and Former Counsel*

*to David T. Austern, Former Asbestos PI Future*

*Claimants' Representative*